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May 9, 2024

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

USDC SDNY
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Re: United States v. Yasser Cruz
24-Cr-145 (VEC)

MEMO ENDORSED

Dear Judge Caproni:

I write to request that the Court adjourn the upcoming trial date, and accompanying schedule for trial-related motions, *sine die*. The government joins in this request.

At Mr. Cruz's arraignment, the Court set a schedule for pretrial motions. In accordance with that schedule, Mr. Cruz filed a motion to dismiss the indictment on May 3. The government's response is due May 17, and Mr. Cruz will file a reply by May 24.

The government has concurrently made a written plea offer to Mr. Cruz. In the event his motion to dismiss is denied following full briefing, Mr. Cruz intends to accept the government's offer and plead guilty.

The Court, however, also set deadlines for trial-related motions as follows: motions *in limine*, *voir dire* questions, and requests to charge due May 17; and responses to motions *in limine* due May 31. The Court scheduled a final pre-trial conference for June 13, and a trial date for June 17. In other words, Mr. Cruz's trial-related motions are due before the government's response (and Mr. Cruz's accompanying reply) to his motion to dismiss. Given that Mr. Cruz's motion to dismiss is outcome-dispositive, and considering his intention to plead guilty if that motion to dismiss is denied, the filing of trial-related motions would be academic.

It is therefore requested that the Court adjourn the deadlines for the trial-related motions, and the accompanying trial date, *sine die*. In the event the motion to dismiss is denied, Mr. Cruz and the government will promptly contact the Court regarding scheduling a change of plea proceeding. Alternatively, if the Court wishes to schedule a court appearance in this matter, please be advised that defense counsel will be out of the District and unavailable to appear from May 13 – May 20.

Sincerely,



Michael Arthus
Assistant Federal Defender
212-417-8760

cc.: AUSA Joseph Rosenberg

Application GRANTED. The parties' deadlines to file expert disclosures, motions *in limine*, proposed voir dire questions, and requests to charge are ADJOURNED *sine die*. The Final Pretrial Conference scheduled for Thursday, June 13, 2024, at 2:30 P.M. and the trial scheduled to start on Monday, June 17, 2024, at 9:30 A.M. are also ADJOURNED *sine die*.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over the printed name.

5/9/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE